



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 20, 2022

MEMO ENDORSED

VIA ECF

Hon. Valerie E. Caproni
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/22/2022

Re: *Nada Zoubair v. Garland, et al.*, No. 22 Civ. 180 (VEC)

Dear Judge Caproni:

This Office represents the government in this action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate an Application to Register Permanent Residence or Adjust Status (Form I-485). On behalf of the government, I write respectfully to request a ninety-day extension of the time to respond to the complaint (*i.e.*, from July 22, 2022, to October 20, 2022). In addition, I respectfully request that the initial pretrial conference presently scheduled for August 26, 2022, be rescheduled for a date during the week of October 31, 2022, or thereafter (with a corresponding extension of time for the joint submission).

I respectfully request this extension because USCIS has issued a Notice of Intent to Deny (“NOID”) relating to the Form I-485 and needs to allow time for the plaintiff to respond and then additional time to determine next steps and other adjudicative action that could render this action moot. Specifically, the plaintiff had 30 days to respond to the NOID, or until July 13, 2022, but USCIS is accepting responses within sixty days of the due date, or by September 12, 2022.¹ This is the government’s second request for an extension of the deadline to respond to the complaint and an adjournment of the pretrial conference. The Court granted the prior request. *See* ECF No. 19. The plaintiff consents to this request.

¹ In response to the COVID-19 pandemic, USCIS will consider a response received within 60 calendar days after the due date set forth in the NOID before taking any action, if the issuance date listed on the request or notice is between March 1, 2020, and July 25, 2022. *See* USCIS Extends Flexibility for Responding to Agency Requests, *available at*, <https://www.uscis.gov/newsroom/alerts/uscis-extends-flexibility-for-responding-to-agency-requests-1#:~:text=In%20response%20to%20the%20COVID,applicants%2C%20petitioners%2C%20and%20requestors.>

I thank the Court for its consideration of this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: s/ Jacqueline Roman
JACQUELINE ROMAN
Special Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (347) 714-3363
E-mail: jacqueline.roman@usdoj.gov
Attorney for Defendants

cc: Counsel of record (via ECF)

Application GRANTED. The Government's deadline to respond to the complaint is extended to **October 20, 2022**. The initial pretrial conference scheduled for August 26, 2022, is hereby adjourned to **November 4, 2022**. The parties' joint submission is due by no later than **October 27, 2022**.

SO ORDERED.



Date: 7/22/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE